

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Judith Le	Team: Squad #8	CCRB Case #: 201608444	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 06/28/2016 2:30 AM	Location of Incident: § 87(2)(b) Basement	Precinct: 122	18 Mo. SOL 12/28/2017	EO SOL 12/28/2017	
Date/Time CV Reported Wed, 10/05/2016 10:28 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 10/05/2016 10:28 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Robert Ramirez	20138	929005	122 PCT
2. SGT Hassan Darwiche	05245	946897	122 PCT
3. SGT Albert Cabello	02759	938140	122 PCT
4. POF Stephanie Bowman	09173	948049	122 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Phillip Alfano	04247	948600	122 PCT
2. POM Angel Espada	17985	958555	122 PCT
3. POM Anthony Gomez	20721	958641	122 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Hassan Darwiche	Force: Sergeant Hassan Darwiche pointed his gun at § 87(2)(b)	§ 87(2)(b)
B.SGT Albert Cabello	Force: Sergeant Albert Cabello pointed his gun at § 87(2)(b)	§ 87(2)(b)
C.SGT Hassan Darwiche	Abuse: Sergeant Hassan Darwiche entered § 87(2)(b) in Staten Island.	§ 87(2)(b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On June 28, 2016 at approximately 3:30 a.m. at § 87(2)(b) in Staten Island, § 87(2)(b) engaged in a verbal dispute with his neighbors, § 87(2)(b) and her boyfriend, § 87(2)(b). § 87(2)(b) and § 87(2)(b) have had longstanding issues, and on that evening § 87(2)(b) wanted to make her and § 87(2)(b) “a little bit afraid of him.” He and § 87(2)(b) exchanged words and as he began walking away, § 87(2)(b) warned, “Don’t get so smart. I got something for you.” He did not explain what this meant, nor did he mention or show a gun. § 87(2)(b) then returned to his basement apartment and called 911 to report the dispute; § 87(2)(b) also called 911 to report that she had been threatened by a firearm. Shortly thereafter, § 87(2)(b) heard a knock on his door and shouts of, “Open the door!” § 87(2)(b) opened the door and put his hands up. He saw officers lined up along the stairwell, led by Sgt. Hassan Darwiche and Sgt. Albert Cabello, of the 122nd Precinct, who allegedly were pointing their guns at him (**Allegations A and B**). § 87(2)(b) was in a panic and stepped three or four steps back into his apartment. He did not invite or gesture the officers in. Sgt. Hassan Darwiche then entered his apartment (**Allegation C**). Other officers followed and looked around the apartment. After realizing § 87(2)(b) did not have a gun, they left.

There is no video footage capturing this incident.

§ 87(2)(g)

§ 87(2)(b) filed this complaint more than three months after the incident happened and provided the wrong date of incident. This case exceeded the 90-day benchmark due to delays in receiving documentation identifying the officers on the scene.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined mediation § 87(2)(b).
- [§ 87(2)(b)] [§ 86(1)(3)&(4)] [§ 87(2)(c)]
- As of January 17, 2017, a notice of claim has not been filed by § 87(2)(b) (see Board Review #2).

Civilian and Officer CCRB Histories

- Sgt. Darwiche has been a member of service for eight years and has not been a subject in any previous CCRB complaints (see Board Review #3).
- Sgt. Cabello has been a member of service for eleven years and has been a subject in four previous CCRB complaints, totaling ten allegations. § 87(2)(g), § 87(4-b)
- PO Stephanie Bowman has been a member of service for eight years and has been a subject in two previous CCRB complaints, totaling two allegations. § 87(2)(g)

- PO Ramirez has been a member of service for fifteen years and has been a subject in thirteen previous CCRB complaints, totaling thirty-eight allegations. In CCRB complaint #201112020, allegations of abuse (vehicle stop), abuse (vehicle search) and discourtesy (word) were substantiated with a NYPD disposition of no disciplinary action (SOL). § 87(2)(g), § 87(4-b)
- In CCRB case #201502088 an allegation of abuse (refusal to provide name/shield number) was substantiated and received a NYPD disposition of Command Level Instructions (see Board Review #6).
- This is § 87(2)(b)'s first CCRB complaint (see Board Review #7).

Officer Identification

§ 87(2)(b) specifically described the officer in charge as an older, uniformed white male, approximately 5'7" in height. He stated that he decided that the officer was in charge because he talked more than the others. § 87(2)(b) and the officer spoke in his apartment, and after the search, he approached the officer on the street while he was speaking to § 87(2)(b)

Sgt. Hassan Darwiche is a 5'9", 35 year old white male. On the morning of June 28, 2016, he was dressed in uniform and acting as Patrol Supervisor. Sgt. Darwiche testified that he was the highest ranking uniformed officer on scene and when he and several plainclothes officers approached § 87(2)(b)'s door, he stood in the front, so that the first person § 87(2)(b) saw was a uniformed officer. Sgt. Caballo confirmed that Sgt. Darwiche engaged § 87(2)(b) in conversation.

Findings and Recommendations

Allegation A - Abuse: Sergeant Hassan Darwiche pointed his gun at § 87(2)(b)

Allegation B - Abuse: Sergeant Albert Cabello pointed his gun at § 87(2)(b)

Allegation C - Abuse: Sergeant Hassan Darwiche entered § 87(2)(b) in Staten Island.

It is undisputed that § 87(2)(b) and § 87(2)(b) are residents of § 87(2)(b) in Staten Island. The building contains three units. § 87(2)(b) a § 87(2)(b) year old man, resides in the basement unit of § 87(2)(b). On the street level is a hair salon rented by § 87(2)(b) and on the second floor, her apartment. § 87(2)(b) and § 87(2)(b) have had longstanding issues, and on the morning of June 28, 2016, after engaging in a disagreement, they both called 911. § 87(2)(g)

The roll call and memo books for Patrol Borough Staten Island, Borough Crime Team, did not show the presence of the Borough Crime Team at § 87(2)(b) (see Board Review #8).

The Event information for job #§ 87(2)(b) (see Board Review #9) states at 2:31 a.m., male possibly has a gun-female caller states that she did not see the gun. She heard him when he pulled it back. At 2:34 a.m., another call from male caller § 87(2)(b) Caller states that he is having a dispute with his neighbors. At 2:39 a.m., 122nd Sergeant states no firearm, dispute only.

The 911 message for Event #§ 87(2)(b) (see Board Review #10) states that at the <00:22> minute mark, § 87(2)(b) states to Operator: "the guy that lives downstairs from me just attempted to pull out a gun on me and my boyfriend." At the <00:29> minute mark, the Operator says to § 87(2)(b) "He attempted to? Did you see him with a gun?" § 87(2)(b) replies, "Um, no. He pulled it out and started cocking it back. We heard it and left." At the <00:37> minute mark, the Operator

states, “But you didn’t see him with it.” § 87(2)(b) replies, “No. But that’s what he said he had in his hands. He’s in the basement.”

The police radio communications (see Board Review #11) states that at the <00:10> minute mark, the Dispatcher radios “10-10 with a firearm – § 87(2)(b).” At the <01:47> minute mark, Dispatcher repeats the address and states, “Caller is stating something about a male possibly with a firearm – that she heard him when he pulled it.” Responder states, “So nothing was actually seen?” At the <07:39> mark, responder replies, “no guns.” Dispatcher replies, “Thank you, 10-4.”

§ 87(2)(b) (see Board Review #12), stated that he woke up after hearing the sound of doors slamming open and shut. He explained that to reach his apartment, there was an entrance door located at the street level, which opened to a flight of stairs that led to another door at the bottom of the stairs, which opened into his apartment. § 87(2)(b) believed that the door leading to the basement stairwell had been purposely opened by his neighbors, a couple identified through investigation as § 87(2)(b) and § 87(2)(b). § 87(2)(b) noted that since moving in six months prior, his neighbors had regularly harassed him by making noise, unleashing their pit bull on him and threatening him. On one occasion, § 87(2)(b) also heard § 87(2)(b) tell § 87(2)(b) that she wanted to shoot § 87(2)(b). On the morning of June 28, 2016, in response to the door slamming, § 87(2)(b) opened his apartment door and saw § 87(2)(b) and § 87(2)(b). After asking them what was going on, § 87(2)(b) gave a nasty retort. § 87(2)(b) and § 87(2)(b) then began arguing. There was yelling and cursing and § 87(2)(b) told § 87(2)(b) “Don’t get so smart. I got something for you.” § 87(2)(b) never mentioned what he had nor did he mention a gun or show them anything that might resemble a gun. § 87(2)(b) said he was just trying to make § 87(2)(b) aware that he should be a little frightened of him.

§ 87(2)(b) then returned to his apartment, closed the door and called 911 to report an illegal intruder, because he was frightened of § 87(2)(b) and § 87(2)(b). He decided to move his futon against the door because the door was unstable, and he didn’t want § 87(2)(b) and § 87(2)(b) to push the door in. While § 87(2)(b) was on the phone with 911, the operator informed him that cops were already coming. As soon as he hung up with 911, he heard, “Open up,” and banging on his door. § 87(2)(b) said, “Take it easy!” The cops replied, “Hands up! Open the door!” § 87(2)(b) told the officers he could not open the door right away because there was something in front of his door that he had to move. He estimated that it took less than a minute to move the couch. He then opened the door and put his hands up. The officers were lined up like a SWAT team, with their guns aimed at him and § 87(2)(b) thought he was going to get killed. In a follow up phone statement (see Board Review #13), § 87(2)(b) clarified that the officers did not ring his bell or call from the intercom before entering the door on the street level. They did not ask to come into his apartment. The officers kept repeating, “Open the door!” § 87(2)(b) stated that after moving his couch, he opened the door and raised his hands. § 87(2)(b) stated he was in a panic because the officers were lined up and pointing their guns at him. He stepped three or four steps back into his apartment, but did not invite the officers in. As soon as he moved back, about half of them came into his apartment and stood near his entrance. § 87(2)(b) (see Board Review #12) reiterated this during his interview. He stated that he opened his door wide enough for people to enter, and five officers walked into his living room, while three remained on the steps. His hands were up and he did not invite them in.

A uniformed officer, identified through investigation as Sgt. Darwiche told § 87(2)(b) “The people thought you had a gun.” § 87(2)(b) thought Sgt. Darwiche was in charge because he was the main officer that spoke to him. § 87(2)(b) replied, “Are you crazy,” and explained his history with his neighbors. At this time, the officers were standing in his living room, near his couch. They asked § 87(2)(b) if he had a gun. § 87(2)(b) went to his cabinet, took out a can opener and said, “This is the gun.” The officers realized they had made a mistake and left. § 87(2)(b) followed the officers out and told Sgt. Darwiche that he should lock § 87(2)(b) and § 87(2)(b) up. He looked at § 87(2)(b) asked, “Are you happy now?”

In her detailed phone statement, § 87(2)(b) (see Board Review #14) stated § 87(2)(b) was elderly and mentally ill and the landlord was in the process of kicking him out of the building. She also said that § 87(2)(b) harassed her and was always threatening her, her employees and guests. She cited numerous incidents with the police over the past several months. In regards to the incident on June 28, 2016, § 87(2)(b) stated that that § 87(2)(b) told her, “I’m going to show you. Wait right there. You’re going to see what I have for you,” and heard the sounds of what appeared to be bullets in a tin. After calling 911, she repeated this information to the police when they arrived on scene. The police did not find anything.

Sgt. Darwiche (see Board Review #15) who stated that he was in uniform and serving as Patrol Supervisor, responded to a radio call for a male with a firearm. He, PO Gomez and PO Espada responded to the scene. Sgt. Darwiche noted that they took calls for firearms seriously, and when he arrived on scene there were approximately ten to fifteen officers already there. There was a plainclothes unit there that he did not recognize as belonging to the 122nd Precinct. He saw PO Alfano and PO Ramirez, as it was technically their job. He could not recall who the other specific officers were, but stated that he knew anti-crime was there because they had responded over the radio. Sgt. Darwiche noted that he was the highest ranking uniformed officer there. Everything was chaotic and he was focused on the victims of the crime. He was met by a couple, identified through investigation as § 87(2)(b) and § 87(2)(b) who explained that they had been in a verbal dispute with their neighbor, § 87(2)(b) who lived behind their salon. They stated that the incident was part of an ongoing argument, involving § 87(2)(b) complaining that they were making noise. As § 87(2)(b) was walking away they heard what sounded like the cocking of a gun. They did not see a gun, but assumed it was a gun. Sgt. Darwiche instructed PO Alfano and PO Ramirez to stay with them.

Sgt. Darwiche then went with anti-crime and the plainclothes unit to the neighbors’ apartment, which was directly attached to the salon in the basement. He noted that he wanted a uniformed officer to be there so that the perpetrator didn’t think there were random people knocking on his door. Sgt. Darwiche saw stairs leading to a door. Sgt. Darwiche was in front with a plainclothes officer and could not recall how many officers were standing behind him. Their firearms were out just in case, because they did not know what was behind the door and Sgt. Darwiche’s mindset was that there could be a gun. He noted, however, that they did not point their guns at § 87(2)(b). They went down the stairs and knocked on § 87(2)(b)’s door and announced themselves as police. § 87(2)(b) asked why they were knocking on his door and they explained that they had received a call for a male with a firearm. They asked him to open the door so they could confirm if there was a firearm. Sgt. Darwiche stated that once § 87(2)(b) found out they were police, he was largely compliant. About a minute after they knocked on the door, he opened

it and put his hands in sight. They again explained that they had received a call that he had a gun. Because § 87(2)(b) had never specifically seen a gun, and he did not see a gun on him, Sgt. Darwiche and the officers decided to put their guns away.

The plainclothes unit then asked if they could have consent to search the house. Sgt. Darwiche said he was not familiar with the plainclothes unit and could not remember who specifically asked for consent to search. § 87(2)(b) told them to go ahead because he knew he didn't have a gun. At no point did he refuse their search, though he seemed annoyed. While the plainclothes unit was searching the studio, Sgt. Darwiche interviewed § 87(2)(b) from the hallway. He could not see specifically where they were searching, but noted it was a studio and they were all within sight of the doorway. He asked him why the two people he had a dispute with thought he had a gun. § 87(2)(b) said he'd had a stapler in his hand and that the two people he had a dispute with thought he had a gun. He stated that he was just trying to scare them. § 87(2)(b) then showed the plainclothes unit the stapler, which was on a table near the entrance. At that point the officers left and treated the incident as a verbal dispute.

Sgt. Cabello (see Board Review #16), who was dressed in plainclothes and working as the Anti-Crime supervisor, testified that when he and his operator, PO Bowman arrived on scene, they saw a male and a female, identified through investigation as § 87(2)(b) and § 87(2)(b) standing outside of what appeared to be a hair salon. They exited their vehicle and were met by marked 122nd Precinct patrol cars and Patrol Supervisor, Sgt. Darwiche. Sgt. Cabello could not recall any other plainclothes officers on scene. He stated that he had another anti-crime car working that night, but did not believe that they were there. He did not recall seeing any members of the Staten Island Borough Crime Team on scene, and noted that while it was possible they could have been in the precinct, they were most likely not in the general area as they were working late hours due to a commercial burglary pattern. Sgt. Cabello stated that he and Sgt. Darwiche were the most senior ranking officers on scene.

Sgt. Cabello and PO Bowman approached § 87(2)(b) and § 87(2)(b) who told them they had gotten into a verbal argument with their downstairs tenant, § 87(2)(b) who still in his apartment. They stated that they heard something that sounded like a gun being racked or pulled back. Sgt. Cabello noted during his interview that the sound of a gun being racked was not enough to constitute a forceful entry. After speaking to the complainants, he went to go speak to § 87(2)(b). Sgt. Cabello noted that the entrance to § 87(2)(b)'s apartment was in the rear of the building and down a flight of stairs. He estimated that it was about to twelve feet in total to reach the apartment door at the bottom of the stairs. He could not recall anyone opening a door to enter the stairwell. Sgt. Cabello stated that there were about five officers standing in the stairwell and Sgt. Darwiche was standing near the door. Sgt. Cabello could only recall Sgt. Darwiche and PO Bowman. His gun was drawn, but held down to his side. Sgt. Cabello could not recall who knocked on the door or initiated a conversation with § 87(2)(b). After someone knocked, § 87(2)(b) opened the door a crack so they could see his face. He seemed hesitant to open the door, which raised Sgt. Cabello's suspicions. Sgt. Darwiche then engaged § 87(2)(b) in conversation. Sgt. Cabello heard Sgt. Darwiche introduce himself, but did not hear anything else. Sgt. Cabello said no commands were issued, and at no point did he ask § 87(2)(b) if they could enter his apartment. He was pretty sure he did not speak to § 87(2)(b) while in the hallway since he was standing near the back. Sgt. Cabello stated that it was mainly Sgt. Darwiche who

spoke to the man. After they talked for a couple minutes, § 87(2)(b) opened the door, stepped back and waved the officers in with his right arm. He did not remember hearing § 87(2)(b) tell the officers to come in because he had nothing to hide. After § 87(2)(b) waved the officers in, Sgt. Cabello and PO Bowman reholstered their weapons. Everyone in the hallway entered the apartment and began a visual inspection of the area where § 87(2)(b) was standing, which was a room with a couch in it. § 87(2)(b) was still speaking to Sgt. Darwiche and Sgt. Cabello was looking at the couch. He did not see anything in the apartment resembling a gun. Sgt. Cabello believed that Sgt. Darwiche stayed with § 87(2)(b) the whole time. He estimated that they had been looking around for approximately one minute when he heard someone behind him say, “No gun.” He turned and saw Sgt. Darwiche, who had a stapler, state that the man had shook the stapler to scare § 87(2)(b) and § 87(2)(b). Sgt. Cabello decided to leave Sgt. Darwiche and the patrol to handle the situation and he and PO Bowman proceeded to leave.

PO Bowman (see Board Review #17) who was dressed in plainclothes and serving as Sgt. Cabello’s Operator, stated that she and Sgt. Cabello responded to a gun run. She remembered the call pertained to a noise complaint involving a noise that sounded like the racking of a gun. When she and Sgt. Cabello arrived on scene, more than ten uniformed officers from the 122nd Precinct were present. PO Bowman believed that she and Sgt. Cabello were the only plainclothes officers there. She did not speak to § 87(2)(b) but assumed that it was after the officers got § 87(2)(b) story that the Patrol Sergeant, Sgt. Darwiche, decided to go speak to § 87(2)(b). PO Bowman noted that § 87(2)(b) lived in the basement. There was a door at the top of the stairs behind the house which led directly to § 87(2)(b)’s apartment. PO Bowman did not believe that there was another door at the bottom of the stairwell. PO Bowman stated she was standing with officers in the driveway and did not see how the street-level door was opened. She believed that Sgt. Darwiche was in the front and noted that she generally tried to stay with Sgt. Cabello, but could not specifically remember where he was standing. PO Bowman stated that once she reached the door, it was already opened and she went down approximately ten to twelve stairs and followed the officers into the apartment. PO Bowman noted that from what she remembered, they did not have to ask § 87(2)(b) to open the door. She did not hear anyone ask if they could come into the apartment, and noted that she was not standing close enough to see if § 87(2)(b) ever made an entry motion inviting the officers into his apartment. She added later that if a gun was involved, officers would be forced to go into his apartment and investigate. When she entered § 87(2)(b)’s apartment, there were four or five other officers already standing in the apartment. There did not appear to be anything blocking their entry. Sgt. Darwiche was speaking to § 87(2)(b) who was agitated and kind of yelling. He was saying that his landlord was always complaining about him, and seemed annoyed that the officers were there because of the situation. PO Bowman noted that outside of his demeanor, he did not say anything expressing his annoyance. When officers asked him if he had a gun, he said no. PO Bowman visually looked in the reachable areas. She estimated she was in the basement for approximately five to ten minutes before she and Sgt. Cabello decided to leave. They did not wait for the other officers. She did not know how the situation with the gun was resolved.

PO Ramirez (see Board Review #18), who was in uniform and working sector patrol for the 122nd Precinct, responded to a call for a gun run. When he and his partner, PO Alfano arrived they saw § 87(2)(b) and § 87(2)(b) in the street. § 87(2)(b) was crying and saying that § 87(2)(b) had pulled a gun out on her, but she was not sure if it was a real gun. There were approximately eight

to nine officers on scene, including Sgt. Darwiche, the anti-crime team and a few other sectors. PO Ramirez could not recall who the other officers were, but noted that Sgt. Darwiche was the most senior officer on scene. PO Ramirez could not recall Sgt. Darwiche issuing the officers any commands. PO Ramirez stayed with the victims in street. He saw the anti-crime team and Sgt. Darwiche go down an alley where the perpetrator, § 87(2)(b) lived, but did not know where they specifically went. He stated that they spoke to § 87(2)(b) for about a minute, and then waited for anti-crime to finish what they were doing. Once they saw the anti-crime team leave, they left.

PO Alfano (see Board Review #19), who was in uniform and working sector patrol with PO Ramirez for the 122nd Precinct, testified that when he and PO Ramirez arrived on scene, they saw about ten people there, including other officers and a plainclothes unit, all from the 122nd Precinct. PO Alfano could not recall any of the officers except for the superior officers on the scene, Sgt. Darwiche, and a plainclothes officer, identified through investigation as Sgt. Cabello. PO Alfano did not speak to any of the other officers and did not receive any instruction. He recalled two victims, identified as § 87(2)(b) and § 87(2)(b) who had gotten into a dispute with a person in the basement, identified as § 87(2)(b) and called 911. PO Alfano decided that he and PO Rodriguez should stay outside with § 87(2)(b) and § 87(2)(b) because he did not think everyone could fit into the basement door. He could hear § 87(2)(b) screaming from the basement, but could not recall what was said. § 87(2)(b) and § 87(2)(b) stated that § 87(2)(b) was always threatening them and they thought that he might possibly have a gun, but did not explain why they thought so. They said he was threatening him and they panicked and called 911. § 87(2)(b) was upset. PO Alfano stated that when the other officers returned, they did not find a gun on § 87(2)(b). He could not recall who the officers were. Sgt. Darwiche then told everyone to go, so they left.

In *People v. Livigni*, 88 A.D.2d 386 (1986), the court held that the presence of [an] empty holster on the front seat of the car and the readily available inference that a gun was not far away gave the officers reasonable grounds to take the precautionary measure of drawing their guns and ordering the occupants out of the vehicle out of the car (see Board Review #20).

§ 87(2)(g)

In *People v. Benitez*, 430 N.Y.S.2d 287, 290 (1980) the Court, citing *People v. Gonzalez* (39 N.Y.2d 122)(1976)(holding that voluntariness is incompatible with official coercion, actual or implicit, overt or subtle)) found that where police were armed while entering an apartment in the early morning hours, consent was not freely and voluntarily given (see Board Review #21).

In *People v. Mitchell*, 39 N.Y.2d 173 (1976), the court held that for a warrantless entry to be permissible under the “emergency” doctrine, the protection of human life or property in imminent

danger must be the motivation for search rather than the desire to apprehend a suspect or gather evidence for use in a criminal proceeding. In its analysis of the exception, the Court outlined three basic elements needed to determine whether exigent circumstances justified a warrantless intrusion: (1) the police must have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life or property; (2) the search must not be motivated by intent to arrest and seize evidence; and (3) there must be some reasonable basis, approximating probable cause, to associate the emergency with the area to be placed or searched (see Board Review #22). In Disciplinary Case No. 2015-13360, 8 (2016), however, the NYPD Deputy Commissioner for Trials citing *People v Mitchell* held that an emergency situation involving guns inside a location, based on a radio transmission, constituted the exigent circumstances necessary to justify an officer's warrantless entry (see Board Review #23).

§ 87(2)(g)

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§ 87(2)(g), § 87(4-b)

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§ 87(2)(g), § 87(4-b)

[REDACTED]

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[REDACTED]

[REDACTED]

Squad: 8

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date